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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Graham Russell

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MICHAEL CHAN  
NCR CORPORATION  
1700 SOUTH PATTERSON BLVD  
DAYTON, OH 45479-0001

EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

05/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/665,846

Applicant(s)

RUSSELL ET AL.

Examiner

Stefano Karmis

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 7, 13, 14, 19 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 13, 14, 19 and 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 06 February 2007.

#### *Status of Claims*

2. Claims 1, 2, 7, 13, 14, 19 and 25-28 are currently amended. Claims 1, 2, 7, 13, 14, 19 and 25-28 are currently pending.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 7, 13, 14, 19, 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Garner IV et al. (hereinafter Garner) U.S. Patent 6,863,214.

Claims 1, 2, 7, 13, 14, 19, 27 and 28 were previously rejected under 35 U.S.C. 102(e) as being anticipated by Garner IV et al. (hereinafter Garner) U.S. Patent 6,863,214 in the office action mailed 06 October 2006. Applicant has amended the claim to specify that the logical tracer document is non-physical and to include processing the plurality of batches of physical

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document items by using the unique group of non-physical, logical tracer document items which has been associated with the entry. This argument is addressed below.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

6. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner IV et al. (hereinafter Garner) U.S. Patent 6,863,214 in view of Foley U.S. Patent 6,381,342.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner IV et al. (hereinafter Garner) U.S. Patent 6,863,214 in view of Foley U.S. Patent 6,381,342 as set forth in the previous office action mailed 06 October 2006. Applicant has amended claims 25 and 26 in a similar manner to that discussed above. This argument is addressed below.

***Response to Arguments***

7. Applicant's arguments filed 06 February 2007 have been fully considered but they are not persuasive.

Regarding claims 1, 2, 7, 13, 14, 19 and 25-28 Applicant argues that Garner fails to disclose or suggest using non-physical, logical tracer group items and specifically fails to disclose or suggest logical tracer items used in place of actual physical tracer items. In Response: The Examiner respectfully disagrees with the Applicant. The phrase "logical tracer document items" is defined in the claims to be "non-physical" and characterized to be "process a

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plurality of batches of physical documents.” Applicant is reminded that the Examiner must give claims their broadest reasonable interpretations and cannot read limitations from the specification into the claims. Therefore, the Examiner interprets any logical processing that is non-physical used in processing image-based documents to satisfy the limitations set forth above. Therefore, given the broadest reasonable interpretation, Garner discloses suggest using non-physical, logical tracer group items and specifically fails to disclose or suggest logical tracer items used in place of actual physical tracer items.

At the outset, Garner discloses that batches are a logical group of work usually consisting of about 300 documents and that a slip is created for each batch (column 2, lines 39-41). Garner discloses that an entry is a unit of work (column 2, lines 48-60). Garner then goes on to discuss logic required in processing images into specific pockets (column 5, line 42 thru column 6, line 16). When an image cannot be located, processing continues with logic group B (column 6, lines 12-16 and column 6, lines 45-56). Garner also teaches a repair server that uses processing logic used for determining if codeline is acceptable and for correcting the codeline of entries (column 6, lines 57 thru column 7, line 17). Garner further discloses that the items do not have to be physically repaired (column 7, lines 44-48). Garner also teaches a logical and not physical relationship between prime pass MICR codeline data and images and recapture MICR codeline data and images (column 7, lines 49 thru column 8, line 8 and Figure 4). Therefore Garner discloses logical tracer documents which are non-physical items, associated with the entry and used for processing.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
Stefano Karmis  
24 April 2007



**HANI M. KAZIMI**  
**PRIMARY EXAMINER**